



MAYOR AND COUNCIL AGENDA

NO. **10**

DEPT.: Recreation and Parks /

DATE: July 22, 2004

ACTION: Adoption of Resolution to establish fines for municipal infractions

The adoption of the attached resolution is necessary to establish the fines for violations of the amendments to Chapter 13, "Miscellaneous Provisions and Offenses" and Chapter 14, "Parks and Recreation" which prohibit the operation of wheeled recreational vehicles in an unsafe and/or destructive manner on public and private property. All other fine amounts set forth in the resolution remain the same.

ACTION STATUS:

FOR THE MEETING OF: 7/26/04

INTRODUCED

PUB. HEARING

INSTRUCTIONS

APPROVED

EFFECTIVE

ROCKVILLE CITY CODE,

CHAPTER

SECTION

☐ CONSENT AGENDA

RECOMMENDATION: Adopt resolution.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: With the adoption of the ordinances amending Chapter 13 "Miscellaneous Provisions and Offenses" and Chapter 14 "Parks and Recreation" regulating the operation of wheeled recreational vehicles, it is necessary to establish fines for violation of those new provisions. The City's current schedule of fines for violations of the City Code has been modified to include the following:

[NOTE: The Department of Neighborhood and Community Services is in the process of reviewing all fines for Code Enforcement violations and will present recommended changes to these fees to the Mayor and Council in fall 2004.]

CHAPTER 13 – MISCELLANEOUS PROVISIONS AND OFFENSES

Section 13-70

Operation of a wheeled recreational vehicle that endangers persons or property; operation of a wheeled recreational vehicle on any vertical surface on public or private property not designed for that use; applying any foreign substance (e.g. wax) to any surface for the purpose of aiding use of wheeled recreational vehicles

\$100.00

CHAPTER 14 – PARKS AND RECREATION

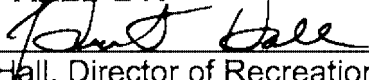
Section 14-38

Subsection (b)

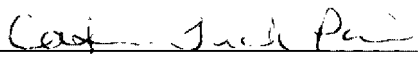
Operating a wheeled recreational vehicle in an unsafe manner and/or in a manner that causes damage to property

\$100.00

PREPARED BY:

 7.22.04
Burt Hall, Director of Recreation and Parks

APPROVE:


Catherine Tuck Parrish, Acting City Manager

7/22/04
Date

LIST OF ATTACHMENTS:

Resolution

Resolution No. _____ RESOLUTION: To establish fines for municipal infractions

WHEREAS, Section 1-9 of the Rockville City Code declares that unless otherwise indicated, all violations of the Code are municipal infractions; and

WHEREAS, Section 1-9 of the Rockville City Code further provides that “unless otherwise provided by resolution of the Mayor and Council, the fine to be imposed for a municipal infraction shall be the maximum allowed by state law for a municipal infraction;” and

WHEREAS, the current maximum fine for a municipal infraction allowed by state law is One Thousand Dollars (\$1,000.00); and

WHEREAS, it is the desire of the Mayor and Council to establish fines for municipal infractions, many of which are lower than the maximum fine permitted by State law.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, pursuant to Section 1-9 of the Rockville City Code, that the following fines be, and the same are hereby, established for the first violation of the following sections of the Rockville City Code:

<u>Violation</u>	<u>Fine</u>
CHAPTER 5 – BUILDINGS AND BUILDING REGULATIONS	
All sections, violations of which are municipal infractions	\$100.00
CHAPTER 12 -- LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS	
All sections, violations of which are municipal infractions	\$100.00
CHAPTER 13 – MISCELLANEOUS PROVISIONS AND OFFENSES	
Section 13-54 Noise	\$ 50.00
Section 13-62 Littering	\$ 50.00
Section 13-63 Defacing or injuring trees	\$100.00
Section 13-64 Wading, throwing trash in City fountains and pools	\$ 50.00

Section 13-65	Unreasonable operation of outdoor illumination devices	\$ 50.00
Section 13-70	Operation of a wheeled recreational vehicle that endangers persons or property; operation of a wheeled recreational vehicle on any vertical surface on public or private property not designed for that use; applying any foreign substance (i.e.wax) to any surface for the purpose of aiding use of wheeled recreational vehicles	\$100.00

CHAPTER 14 – PARKS AND RECREATION

Section 14-36	Consuming/selling/distributing/possessing, using alcoholic beverages without a permit	\$100.00
Section 14-37 Subsection (a)	Catching, injuring, etc. birds, squirrels, or any wild animals	\$100.00
Section 14-37 Subsection (b)	Removing or having possession of young of any wild animal or eggs or young of any reptile or bird	\$100.00
Section 14-37 Subsection (c)	Riding a horse except on designated bridle trails	\$ 50.00
Section 14-38 Subsection (a)	Riding a wheeled recreational vehicle on other than a paved vehicular road or path	\$ 25.00
Section 14-38 Subsection (b)	Operating a wheeled recreational vehicle in an unsafe manner and/or in a manner that causes damage to property	\$100.00
Section 14-39	Constructing, erecting, stringing, etc. Public service utility wires without a permit	\$400.00
Section 14-40	Camping/lodging without a permit	\$100.00
Section 14-41	Engaging in commercial activities in City parks or at City sponsored special events without a permit	\$100.00
Section 14-42	Disorderly conduct	\$100.00
Section 14-43	Carrying or discharging any firearms	\$400.00

Section 14-44	Making or kindling of fires	\$100.00
Section 14-45	Carrying, discharging any firecrackers, etc. without a permit	\$400.00
Section 14-46	Playing games involving propelled objects other than in areas set apart for said games	\$ 50.00
Section 14-47	Distributing/posting, etc. handbills, circulars, etc.	\$ 50.00
Section 14-48	Littering	\$ 50.00
Section 14-49 Subsection (1)	Cutting/injuring, etc. any tree, rock, structure, etc.	\$100.00
Section 14-49 Subsection (2)	Removing, etc., any shrub, bush, plant, flower or sign	\$100.00
Section 14-49 Subsection (3)	Marking or writing on any building, structure, etc.	\$100.00
Section 14-49 Subsection (4)	Climbing any tree, sitting or standing on monuments, etc.	\$ 25.00
Section 14-49 Subsection (5)	Cutting or removing any wood, turf, gravel, etc.	\$100.00
Section 14-50	Presence in any City park when closed	\$ 25.00
Section 14-51	Picnicking where not permitted/failure to extinguish fire and remove trash	\$ 25.00
Section 14-52	Repairing/washing vehicles in park	\$ 50.00
Section 14-53 Subsection (a)	Operating a vehicle in excess of 15 mph on publicly owned recreation areas	\$ 50.00
Section 14-53 Subsection (b)	Operating a vehicle on other than paved park roads or parking areas	\$200.00
Section 14-53 Subsection (c)	Parking a vehicle in other than an established or designated parking area	\$ 25.00

Section 14-54	Driving a vehicle carrying lumber, dirt, or other offensive articles or materials	\$400.00
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CHAPTER 18 – RENTAL FACILITIES AND LANDLORD TENANT RELATIONS

All sections, violations of which are municipal infractions	\$100.00
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CHAPTER 19 – SEDIMENT CONTROL AND STORMWATER MANAGEMENT

All sections, violations of which are municipal infractions (except as otherwise provided by Section 19-14)	\$400.00
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CHAPTER 20 – SOLID WASTE

All sections, violations of which are municipal infractions	\$100.00
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CHAPTER 24 – WATER, SEWERS AND SEWAGE DISPOSAL

All sections, violations of which are municipal infractions	\$100.00
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CHAPTER 25 – ZONING AND PLANNING

All sections, violations of which are municipal infractions	\$100.00
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AND BE IT FURTHER RESOLVED, in accordance with Section 1-9 of the Rockville City Code, that violations constituting municipal infractions for which no fine has been established by resolution of the Mayor and Council shall carry a fine in the maximum amount permitted by State law; and be it

FURTHER RESOLVED, that the fine for any subsequent violation of the same section of the Rockville City Code shall be twice the amount herein established for the first violation of said section, or the maximum fine permitted by state law, whichever amount is lower.

* * * * *

Resolution No. _____

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I hereby certify that the foregoing is a true and correct copy
of a Resolution adopted by the Mayor and Council at its
meeting of

Claire F. Funkhouser, City Clerk